

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTELLECTUAL VENTURES I LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 10-1067 (LPS)
)	
CHECK POINT SOFTWARE)	REDACTED - PUBLIC VERSION
TECHNOLOGIES LTD.; CHECK POINT)	
SOFTWARE TECHNOLOGIES, INC.;)	
McAfee, Inc.; Symantec Corp.;)	
Trend Micro Incorporated and)	
Trend Micro, Inc. (USA),)	
)	
Defendants.)	

**DECLARATION OF MICHAEL J. FLYNN
IN SUPPORT OF DEFENDANT SYMANTEC CORPORATION'S
DAUBERT MOTION TO EXCLUDE THE TESTIMONY OF
INTELLECTUAL VENTURES' DAMAGES EXPERT, MICHAEL WAGNER**

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I, Michael J. Flynn, declare as follows:

1. I submit this declaration in support of Symantec Corporation's ("Symantec") *Daubert* Motion to Exclude the Testimony of Intellectual Ventures' Damages Expert, Michael Wagner. I am an attorney admitted to practice law in the District of Delaware, an associate at the law firm of Morris, Nichols, Arsht & Tunnel LLP, and counsel of record for Symantec in the above-captioned matter. I have personal knowledge of the facts contained in this declaration, except where indicated on information and belief, and if called upon to do so, I could and would testify competently thereto.

2. Attached as **Exhibit A** is a true and correct copy of the Expert Report of Michael J. Wagner dated February 15, 2013.

3. Attached as **Exhibit B** is a true and correct copy of the Corrections and Supplement to Expert Report of Michael J. Wagner dated February 22, 2013.

4. Attached as **Exhibit C** is a true and correct copy of the Second Correction and Supplement to Expert Report of Michael J. Wagner dated March 9, 2013.

5. Attached as **Exhibit D** is a true and correct copy of the Reply Expert Report of Michael J. Wagner dated April 3, 2013.

6. Attached as **Exhibit E** is a true and correct copy of the Errata to Expert Reports of Michael J. Wagner dated April 26, 2013.

7. Attached as **Exhibit F** is a true and correct copy of excerpts from the May 3, 2013 deposition of Michael J. Wagner.

8. Attached as **Exhibit G** is a true and correct copy of excerpts from the November 9, 2012 deposition of Brooks C. Talley.

9. Attached as **Exhibit H** is a true and correct copy of the [REDACTED] Agreement between

[REDACTED] and [REDACTED]


10. Attached as **Exhibit I** is a true and correct copy of excerpts from the May 2, 2013 deposition of Michael J. Wagner.

11. Attached as **Exhibit J** is a true and correct copy of the Settlement Agreement between [REDACTED]

12. Attached as **Exhibit K** is a true and correct copy of the Settlement Agreement between [REDACTED]

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 14, 2013 in Wilmington, Delaware.


Michael J. Flynn

ALL EXHIBITS
HIGHLY CONFIDENTIAL

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 21, 2013, upon the following in the manner indicated:

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